

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	05-00107-01-CR-W-NKL
JEFFREY L. BAGSBY,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

I. BACKGROUND

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on July 22, 2005. Defendant Jeffrey Bagsby appeared in person and with retained counsel Daniel Ross and Ray Sousley. The United States of America appeared by Assistant United States Attorney Michael Oliver.

On March 30, 2005, an indictment was returned charging defendant with conspiracy to distribute cocaine and distribution of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 846, and 18 U.S.C. § 2.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Oliver announced that Charles Ambrose will be the trial counsel for the government. The case agent to be seated at counsel table is James Svoda, KCPD.

Mr. Sousley announced that he and Mr. Ross will be the trial counsel for defendant Jeffrey Bagsby.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Oliver announced that the government intends to call 14 witnesses without stipulations or 12-13 witnesses with stipulations during the trial.

Mr. Sousley announced that defendant Jeffrey Bagsby intends to call 5 witnesses during the trial.

The defendant may testify.

V. TRIAL EXHIBITS

Mr. Oliver announced that the government will offer approximately 17 exhibits in evidence during the trial.

Mr. Sousley announced that defendant Jeffrey Bagsby will offer approximately 12 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Sousley announced that defendant Jeffrey Bagsby will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Ross stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody and chemist's reports.

IX. TRIAL TIME

Counsel were in agreement that this case will take 3-4 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed April 20, 2005, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by July 22, 2005;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, July 27, 2005;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, July 27, 2005. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated.

There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on August 1, 2005. The defense has another case going to trial the first week of the docket, so this case will need to be set on the second week.

/s/Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
July 22, 2005

cc: The Honorable Nanette K. Laughrey

Mr. Charles Ambrose
Mr. Daniel Ross
Mr. Ray Sousley
Mr. Jeff Burkholder